

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

Name FERNANDES RAY K
 (Last) (First) (Initial)

Prisoner Number # 2073344 NAPA STATE HOSPITAL

Institutional Address 2000 NAPA VALLEY HWY, NAPA CA 94558-6293

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

NAPA STATE HOSPITAL
 (Enter the full name of plaintiff in this action.)

vs.

RAYMOND KING FERNANDES

(Enter the full name of the defendant(s) in this action)

Case No. _____
 (To be provided by the Clerk of Court)

**COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 Title 42 U.S.C § 1983**

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies.

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement NAPA STATE HOSPITAL

B. Is there a grievance procedure in this institution?

YES (X) NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (X) NO ()

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal,

explain why. THE STAFF AT NAPA STATE HOSPITAL
will NOT comply with THE GRIEVANCE PROCEDURE

COMPLAINT NO APPEAL NUMBER¹ BASICALLY TO MAKE THIS
 TO THE POINT. THEY DONT VALUE THE COMPLAINT. {EXIT, TRASH}
 {CAN...}

1. Informal appeal TALKED TO STAFF NO RESPONSE
PROBLEM ONLY GETS WORSE PILLS MISSING.
COURT WAS ADVISED OF MISCONDUCT OF MEDICAL.

2. First formal level _____

3. Second formal level _____

4. Third formal level _____

E. Is the last level to which you appealed the highest level of appeal available to you?

YES (X) NO ()

F. If you did not present your claim for review through the grievance procedure, explain why. _____

II. Parties.

A. Write your name and your present address. Do the same for additional plaintiffs, if any. ~~RAYMOND KING FERNANDES~~ ASARO-BRAUN

2100 NAPA VALLEY HWY
 NAPA CALIF 94558-6293

DR. SCOTT
 SUTHERLAND

DR. HAMILTON

UNIT-SUPERVISOR

B. Write the full name of each defendant, his or her official position, and his or her place of employment.

RAYMOND KING FERNANDES

III. Statement of Claim.

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

IN THE ABOVE DATE AT 8:00am. I WAS TOLD BY NURSING STAFF MARLIE THAT MY METHACARBOL WASNT IN STOCK! THERES BEEN A ON GOING SITUATION OF PILLS DISAPPEARING. PLEASE FILE THIS UNDER MEAN GOING 1983 AS PROOF TO SUBECT AT HAND. PLUS ON WEDNESDAY 14 2008 I GOT INTO A FIGHT WITH STAFF BEHIND ME HAVING A PETIT MAL SEIZURE. THEY TOOK ALL MY SEIZURE MEDICATION PLUS THE 15 AND 16 OF MAY THE TOOK MORE METHACARBOL AND SINCE I COMPLAINED THEY D.C. MY DAROCET PAIN PILLS I HAVE NUMEROUS BROKEN BONES AND SEIZURES THAT ARE DOCUMENTED!

IV. Relief.

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes,

COME AND GET OUT ALL STAFF THAT ISNT IN PROPER POSITIONS AND GIVE ME PAIN RELIEF BY PILLS AND/OR OPERATION AS SOON AS POSSIBLE

1 PLUS GIVE SEIZURE MEDICATION
2 FOR GRAND MAL AND PETIT MAL
3 SEIZURES. PLUS DR. LEE ORDER M& TRAMADOL
4 FOR BROKEN BONES ON THE 20TH AND DR. HAMILTON
5 DISCOUNTED THEM ON 2/87 SHE CONSISTENTLY MESS'S
6 WITH MY PAIN PILLS
I declare under penalty of perjury that the foregoing is true and correct.

7 Signed this FRIDAY day of MAY 16, 20 08

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9 Roy Fernandez Q5#6
10 (Plaintiff's signature)
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

CERTIFIED
Dept. No. 704

Date: 8/9/07

Hon. Christine Moruza, Judge *

Beatriz Santelices, Dep. Clk. *
Judy Arbini, Reporter * A

NOT CERTIFIED

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff

Counsel appearing
for PlaintiffRhonda Theisen, Deputy
District Attorney

vs.

Counsel appearing
for Defendant

Frank Lang *

RAYMOND FERNANDEZ

Date of Birth: 03/26/56

Defendant

NOT CERTIFIED

Nature of Proceedings:

HEARING ON RECOMMENDATION REGARDING
PLACEMENT AND COMMITMENT
PENAL CODE SECTION 1370Case No. 122310
PFN: AHD777
CEN: 62474265

The defendant is present.

Said matter having been previously submitted and the Court having found the defendant to be a Mentally Incompetent Person within the meaning of Penal Code Section 1368; and the matter having been referred to the County Mental Health Director for a report and recommendation regarding placement;

IT IS HEREBY ORDERED that pursuant to Section 1370 of the Penal Code of the State of California, the defendant be committed to the Department of Mental Health at the Napa State Hospital at Napa, California.

IT IS FURTHER ORDERED that the Sheriff of Alameda County deliver the defendant to said Hospital.

IT IS FURTHER ORDERED that when the Executive Director of the Hospital or Facility determines that the defendant has regained his/her mental competence, the Executive Director shall immediately certify the fact to the Court, the Sheriff and District Attorney of this County and defendant's attorney of record, and the defendant shall be returned to this Court for further proceedings.

IT IS FURTHER ORDERED that within ninety (90) days of this commitment and thereafter at no less than six months intervals, the Executive Director of the Hospital or facility where defendant is housed shall make a written report to this Court and the Community Program Director of this County, or the Director's designee, concerning the defendant's progress toward recovery of the defendant's mental competence.

IT IS FURTHER ORDERED that pursuant to Penal Code section 1370(c)(1), the maximum period of commitment is:

- ☐ Three (3) years;
☒ 25 years, or life months (maximum term for most serious offense charged);
☒ The defendant is entitled to 227 days of actual custody credit.

ENDORSED
FILED
ALAMEDA COUNTY

AUG 10 2007

CLERK OF THE SUPERIOR COURT

By Hingoda Sengmany Deputy

Fernandez, Raymond (122310) 1370 Placement (Rev. 08/06/07)

CHECK SIGNING ↑

CHECK ANTIPSYCHOTIC ORDER - NOT COURT ORDERED

NOT SIGNED OR CHECKED FOR
 ANTIPSYCHOTIC AND THEY GIVE TO AFTER THEY
 JUMPED ON ME 5-15-08 LEFT ME IN SPPOINT
 THE COURT FURTHER FINDS that pursuant to Penal Code section 1370(a)(2)(B)(i): RESIST 8 HOURS!

- CHECK
- ☐ Defendant, with advice from counsel, consents to the administration of antipsychotic medication as prescribed by a treating psychiatrist. If defendant withdraws consent for antipsychotic medication, after the treating psychiatrist complies with the provisions of Penal Code section 1370(a)(2)(C), the defendant will be returned to court for a hearing in accordance with Penal Code section 1370(a)(2)(B)(i) regarding whether antipsychotic medication shall be administered involuntarily.

* In the alternative, THE COURT ORDERS that the treatment facility may administer antipsychotic medication to the defendant involuntarily when and as prescribed by a treating physician pursuant to Penal Code section 1370(a)(2)(B)(ii) based upon the following finding:

- ☐ Defendant lacks capacity to make decisions regarding antipsychotic medication and that defendant's mental disorder requires medical treatment with antipsychotic medication and that, if not so treated, it is probable that serious harm to the physical or mental health of the patient will result.
- ☒ Defendant is a danger to others in that defendant has inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm on another either while in custody or such that it resulted in his being taken into custody, and defendant presents, as a result of mental disorder or defect, a demonstrated danger of inflicting substantial physical harm on others.
- ☐ Defendant does not meet the requirements of either of the two preceding paragraphs but has been charged with a serious crime against persons or property; involuntary administration of antipsychotic medication is substantially likely to render defendant competent to stand trial; the medication is unlikely to have side effects that interfere with defendant's ability to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a reasonable manner; less intrusive treatments are unlikely to have substantially the same results; and antipsychotic medication is in the patient's best medical interest in light of his/her medical condition.

List of Charges: F243.9(A) PC 8 Priors

Dated: 8/9/07
 and signed: 8/9/07

Chen
 JUDGE OF THE SUPERIOR COURT

NOT legit judge EITHER

(Original: Signed by Judge, file stamped, place in file)

(Two Certified Copies: Use the Judge's line stamp, endorse file, to Sheriff's Transportation Unit, QIC 80501, with copies of Criminal Justice Mental Health report; Charging Document--Complaint, Indictment and/or Information; Certification and/or Holding Order; CII Rap Sheet; Arrest Report; Doctor's Reports)

(One Certified Copy: Conditional Release Program (CONREP), QIC 43401 for felonies or Mental Health Director, County of Alameda, QIC 80501 for misdemeanors)

(One Certified Copy: Department of Justice, Disposition and Operations Section, P.O. Box 903417, Sacramento, CA 94244-4266)

NO COURT ORDER FOR
 ANTIPSYCHOTIC. CHECK MINUTES
 IN PLEASANTON, DUBLIN COURT HOUSE!

RAY FERNANDES 9586
2100 Napa Valley Hwy.
Napa, CA 94558-6293



UNITED STATES
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OFFICE OF THE CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102
LEBA MAIL
PRO SE
LEBA MAIL